

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for
Recology Los Angeles
SWIS No. 19-AR-0303
December 6, 2016

Background Information, Analysis, and Findings:

This report was developed in response to the City of Los Angeles Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for Recology Los Angeles, SWIS No. 19-AR-0303, located in City of Los Angeles and owned by Mr. Thomas H. Fry and operated by Recology Los Angeles. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on April 25, 2016. The operator subsequently requested to waive the LEA and Department's statutory review timelines, pursuant to Public Resources Code (PRC) Sections 44008 and 44009, respectively, in order to consider potential construction options that may be required by other regulatory agencies on June 22, 2016 to October 1, 2016 and September 26, 2016 to October 1, 2017. The LEA accepted the waiver on October 12, 2016, but required the operator to submit modifications to the Transfer/Processing Report (TPR) by November 15, 2016. The operator completed a review of their construction options, provided updates to the TPR, and requested that the LEA resume the processing of their revised SWFP in a letter dated November 1, 2016. A proposed permit was received on November 9, 2016. A new proposed permit was received on November 14, 2016. Action must be taken on this permit no later than January 13, 2017. If no action is taken by January 13, 2017, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

| | Current SWFP (1998) | Proposed SWFP |
|--------------------------------------|---|--|
| Name and Street Address of Facility | Community Recycling and Resource Recovery, Inc. 9147 De Garmo Avenue Sun Valley, CA 91352 | Recology Los Angeles 9147 De Garmo Avenue Sun Valley, CA 91352 |
| Name and Mailing Address of Operator | Community Recycling and Resource Recovery, Inc. 9189 De Garmo Avenue Sun Valley, CA 91352 | Recology Los Angeles 9189 De Garmo Avenue Sun Valley, CA 91352 |
| Permitted Tons per Operating Day | Non-hazardous - Refuse – 1,700 Tons/Day | 6,700* Tons/Day Please see conditions 17g and 17h for restrictions on maximum daily tonnage |

| | | |
|------------------------|--------------------------|--------------------------|
| Permitted Area (acres) | 3.5 a | 10.28 acres |
| Design Capacity | 1,700 tons per day (tpd) | 6,700 tons per day (tpd) |

Other Changes include: revisions to the following sections of the SWFP: "Findings," documents that describe and/or restrict the operation of the facility, and "LEA Conditions" including the rewording, additions and/or deletions for the purpose of updating and/or clarifying.

Key Issues

The proposed permit will allow for the following:

1. Increase the total permitted area from 3.5 acres to 10.28 acres.
2. Revision of the types of materials accepted at the facility which will include municipal solid waste, construction and demolition debris and inert debris material, source-separated green waste material, source-separated wood waste material, and source-separated trim and cull (food material).
3. Increase the total permitted amount of materials received at the facility from 1,700 tons per day (TPD) to 6,700 TPD.
4. Update the SWFP to include the revised TPR, dated February 2016 (Revised November 2016), in order to reflect current design and transfer/processing operations.
5. Construction of a new, 196,075 square foot warehouse structure to fully enclose the currently unpermitted back-yard transfer/processing operations.
6. Construction of a new, 64,120 square foot warehouse structure to fully enclose the front-yard transfer/processing operations.
7. Modification of the existing, 7,800 square foot canopy used for storage of baled recycling materials.
8. Reflect the change in operator and name of facility from Community Recycling and Resource Recovery to Recology Los Angeles.
9. Revise permit conditions.

Background

Recology Los Angeles, is a permitted, large volume transfer/processing facility located at 9147 De Garmo Avenue, in the Sun Valley community of the City of Los Angeles. This facility has been in operation since 1974.

The facility is permitted to receive up to 1,700 TPD of municipal solid waste to be processed on-site. On November 9, 2006, the LEA issued a Cease and Desist Order (CDO) 06-01 to the operator to cease unpermitted activities located on the southwest property adjacent to the permitted property boundary. However, the operator at the time (Community Recycling and Resource Recovery) appealed the CDO and requested a hearing before the local Independent Hearing Panel (IHP), which "stayed" the effect of the CDO until a final determination on the CDO's validity was made by the IHP.

As a result, the operator continued to conduct solid waste handling activities on the unpermitted southwest property while the permitting and environmental documentation requested by the LEA were being completed. The IHP requested the LEA and operator develop an Interim Operating Agreement (IOA) to establish interim operating terms and conditions for the activities on the unpermitted southwest property during the permitting process. The IOA was signed by the LEA and Community Recycling and Resource Recovery on April 19, 2007, which allowed Community Recycling to receive up to 2,900 TPD of non-permitted recyclable material, in addition to the permitted 1,700 TPD, which includes: construction materials, source-separated wood waste, source-separated green waste, and source-separated supermarket trim and cull. On March 5, 2015, Recology Los Angeles purchased the assets of Community Recycling and Resource Recovery and became the operator of the facility.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

| 27 CCR Sections | Findings | |
|---|--|---|
| 21685(b)(1) LEA Certified Complete and Correct Report of Facility Information | The LEA provided the required certification in their permit submittal letter dated November 8, 2016. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21685(b)(2) LEA Five Year Permit Review | A Permit Review Report was prepared by the LEA on February 8, 2013. The LEA provided a copy to the Department on February 14, 2013. The changes identified in the review are reflected in this permit revision. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21685(b)(3) Solid Waste Facility Permit | Staff received a proposed Solid Waste Facilities Permit on November 14, 2016. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21685 (b)(4)(A) Consistency with Public Resources Code 50001 | The LEA in their permit submittal package received on November 9, 2016, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element as described in their memorandum dated June 20, 2016. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |

| 27 CCR Sections | Findings | |
|--|--|---|
| 21685(b)(8) Operations Consistent with State Minimum Standards | WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on November 29, 2016. See Compliance History section below for details. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21685(b)(9) LEA CEQA Finding | The LEA provided a finding in their permit submittal package received on November 9, 2016, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis section below for details. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21650(g)(5) Public Notice and/or Meeting, Comments | A Public Informational Meeting was held by the LEA on March 31, 2016. No written comments were received by LEA or Department staff. Oral comments were addressed by LEA staff during the meeting. See Public Comments section below for details. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| CEQA Determination to Support Responsible Agency's Findings | The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on November 29, 2016 and cited the following violations:

- 1) PRC Section 44002 – Operator Authorized by SWF Permit; and
- 2) PRC Section 44014(b) – Operator Complies with Terms & Conditions.

The governing SWFP was issued on June 9, 1998 for a 3.5 acre transfer station. Since the issuance of the SWFP, the operator expanded their facility onto adjacent/bordering property, which is outside the permitted boundary specified in the SWFP and in violation of PRC Section 44002. In addition to the increased acreage of the facility, the operator increased their daily tonnage throughput above the permitted limit, which allows for a maximum of 1,700 TPD. Although not authorized by the SWFP, the IOA described in the Background section above includes terms and conditions which describe the receipt of an additional 2,900 TPD of materials that may be received at the unpermitted southwest property – 1,200 TPD of source-separated green material, 1,200 TPD of source-separated construction material, 350 TPD of source-separated supermarket trim and cull (food material), and 150 TPD of source-separated wood waste material.

Permitting & Assistance Branch staff determined that the design and operations described in the submitted TPR, dated February 2016 (Revised November 2016), as

well as issuance of the revised SWFP, will remedy the violations and allow the facility to comply with State Minimum Standards and terms and conditions of the SWFP and thus allow the Department to concur in the issuance of the proposed SWFP under 27 CCR Section 21685.

Below are the details of the facility's compliance history based on the LEA's monthly inspection reports during the last five years.

- 2011 – 2016 – Violation of PRC 44002 - Operator Authorized by SWF Permit
- 2012 – 2016 – Violation of PRC 44014(b) – Operator Complies with Terms & Conditions
- 2012 (September) - One Violation of 14 CCR Section 17408.5 – Nuisance Control
- 2012 (August) – One Violation of 14 CCR Section 17410.4 – Vector, Bird and Animal Control
- 2012 (May) – One Violation of 14 CCR Section 17409.3 – Scavenging and Salvage and one Violation of 14 CCR Section 17408.1 – Litter Control
- 2012 (January - March) – One Violation of 14 CCR Section 17403.9 – Transfer/Processing Reporting Requirements
- 2011 (June – July) – One Violation of 14 CCR Section 17410.4 – Vector, Bird and Animal Control

The violation for PRC Section 44002 and 44014(b) will be corrected once the revised SWFP is issued. All other violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Los Angeles, Department of City Planning, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: The design changes include a 196,075 square foot enclosure building to enclose existing back yard operations and a 64,120 square foot structure to enclose the existing front yard tipping floor and transfer station. The proposed structures are all one-story and vary in height from 45 feet to 65 feet and the project provides the required 139 parking spaces. The permitted area will increase from 3.5 acres to 10.28 acres. The project also includes the receipt of up to 2,000 TPD of construction material, up to 1,500 TPD of source-separated green waste, up to 500 TPD of source-separated supermarket trim and cull, up to 200 TPD of source-separated wood waste, and up to 2,500 TPD for the transfer station/materials recovery facility, for a total proposed tonnage of materials received of 6,700 TPD. These changes are supported by the following environmental document.

An Environmental Impact Report (EIR), State Clearinghouse No. 2007041015, was circulated for a 45-day comment period from April 23, 2009 to August 17, 2009. The Final EIR was circulated to the public and Responsible Agencies on October 3, 2012. A revised Final EIR was re-circulated to the public and Responsible Agencies on July 16, 2014. The Final EIR concluded that the project would have a less than significant impact on the environment with the implementation of a Mitigation Monitoring Reporting Program. The Lead Agency certified the Final EIR and adopted the Mitigation Monitoring Reporting Program on August 28, 2014. A Notice of Determination was filed with the State Clearinghouse on October 8, 2014.

The LEA has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Final EIR and supporting documents as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the Final EIR and supporting environmental documents certified/adopted by the Lead Agency. Department staff recommends the Final EIR, along with the Mitigation Monitoring Reporting Program, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Final EIR and supporting environmental documents certified/adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on March 31, 2016, at the Stonehurst Recreation Center, in the City of Sun Valley. A representative from Congressman Tony Cardenas' office (29th District) and six members of the public were in attendance. Members of the public commented on the need for fast-acting doors on the new structures, odor and dust generation at the facility, bird problems, need for concrete onsite roads versus asphalt, and illegal dumping in the neighborhood. The LEA responded that the facility is not proposing fast acting doors due to the incoming traffic volume but will be equipped with a strong negative air system that will work with the doors open. Public concern regarding odor and dust generation and bird problems are addressed by the facility proposing operations to be completely

enclosed and by adding a strong negative air ventilation system. The nearby public was concerned that the transfer station attracts illegal dumping that impacts the local community, and the operator's response was that the Los Angeles Police Department (LAPD) and Los Angeles Bureau of Street Services is installing cameras and signs in the area. The public was also concerned that this facility generates water runoff that may migrate offsite but the LEA responded that the water onsite is diverted to a water clarifier before released offsite. The LEA reassured the public that all of their concerns are adequately addressed in the proposed TPR and will be incorporated in this permit revision. The LEA also assured the public that if any of these concerns become a problem at the site then the LEA will take further action. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on May 17, 2016 and June 21, 2016, and November 15, 2016. No comments have been received by Department staff.